

Newton County. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Dickson introduced a bill for relief of the minor heirs of N. B. Cooper. Read 1st and 2nd times and referred to Committee on Private Land Claims.

ORDERS OF THE DAY

A bill for the endowment of professorships in colleges. Read 2nd time. The substitute of Committee on Education adopted.

Mr. Parsons offered the following amendment: "Provided that all log cabin or frame school houses shall be entitled to one fourth of the amount herein provided for first class seminaries."

Mr. Harcourt offered the following amendment: "Provided that the locations under the provisions of this Act shall be made upon that portion of the public domain heretofore ceded to the United States."

Mr. Selman moved to postpone the further consideration of the subject until 11 o'clock Wednesday. Carried.

A bill granting land to the soldiers of Texas on the report of the Committee on Militia and Military Affairs recommending that it do not pass was read 2nd time and on motion of Mr. Finlay the Senate adjourned until 10 o'clock A. M. tomorrow.

Thursday, November 21, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Dickson presented the petition of W. W. Buster asking remuneration for a horse, &c. Referred to Committee on Claims and Accounts.

Mr. Harcourt, Chairman of the Judiciary Committee, reported a bill to amend the 2nd and 3rd sections of an Act to provide for the payment of grand and petit jurors, passed February, 1860, and recommended its passage; also a bill to prevent the emancipation of slaves with a recommendation that it do not pass because legislative action on that subject is unnecessary, there being a constitutional provision relative thereto; also a bill to amend the 110th section of an Act to regulate proceedings in the county courts pertaining to estates of deceased persons, passed March 20, 1848, recommending substitute therefor and its adoption and passage; also a bill for relief of Samuel Everett recom-

mending its passage upon his petition to said committee referred.

Mr. Harcourt also made the following report:

The Judiciary Committee to whom was referred a bill to extend the lien of judgments hereafter to be rendered in the several courts of this State and to delay the issuing of execution until twelve months after the war have duly considered the same, and a majority of the committee have instructed me to report the accompanying substitute "suspending all laws for the collection of debts during the present war" and to recommend its passage.

It is proper for me to say that the committee were nearly equally divided upon the question of reporting favorably upon this bill. I regret that I cannot yield my assent to the recommendation of a majority of the committee in relation to the passage of the bill. From the examination I have given the subject I am of opinion that the bill so materially impairs the obligation of contracts as to bring it within the prohibition of the Constitution.

I know that the present depressed condition of the country demands some legislative relief and my own feelings prompt me to favor any measure of suspension that does not come within the constitutional prohibition. If the bill under consideration was in fact only changing the remedy upon contracts heretofore entered into it would not perhaps be obnoxious to constitutional objections but it seems to me to do more than change the remedy when it denies all remedies to enforce contracts until six months after the termination of the war.

The extent of this restriction no one now can foresee. It may be for ten or twenty years, at which time no trace may be found of either debtor or his property. In such an event the contract would not only be impaired, it would be rendered valueless. From the authorities it will be found that the courts treat the substantial remedy provided by the laws in existence at the time of the formation of the contracts as a material part of the contract and that any legislation which materially impairs the vigor or efficiency of that remedy, just so far impairs the contract.

Mr. Branch introduced a joint resolution authorizing the Governor to purchase arms and ammunition. Read 1st and 2nd times and referred to Committee on Militia and Military Affairs.

Mr. Casey introduced a bill for the relief of the heirs of Sanford Holman. Read 1st and 2nd times and referred to Committee on Private Land Claims.

Mr. Durant introduced a bill to abolish the Court of

Claims and to provide for the transfer of its business to the Commissioner of the General Land Office. Read 1st and 2nd times and referred to the Joint Committee on the Court of Claims.

Mr. Guinn moved to take up report of Judiciary Committee on a bill to extend the lien of judgments hereafter to be rendered in the several courts of this State until twelve months after the war and to have one hundred copies printed for the use of the Senate. Carried.

A message was received from the Governor which was read and referred to the Committee on State Affairs.

On motion of Mr. Shepard, Mr. Jordan was added to the Committee on Internal Improvements.

A message was received from the House announcing the passage of the following bills:

Bill to repeal an Act to authorize the County Court of Nueces County to levy a special tax approved February 11, 1860. Read 1st and 2nd times and referred to Committee on Counties and County Boundaries.

Bill defining the pay of state troops under the command of Colonel John S. Ford. Read 1st and 2nd times and referred to Committee on Militia and Military Affairs.

Bill to extend the time for the return of preemption field notes and to pay the dues thereon. Read 1st and 2nd times and referred to the Committee on Public Lands.

Bill to provide for the sale of certain property belonging to the State and for the payment therefor in money or treasury warrants. Read 1st and 2nd times and referred to the Committee on Militia and Military Affairs.

Bill to pay the *per diem* of the members and officers of the 9th Legislature of the State of Texas. Read 1st time, rule suspended; read 2nd time, rule suspended; read 3rd time and passed.

Joint resolution welcoming Mrs. Price to the State of Texas and tendering her the hospitality of the same. On Mr. Shepard's motion, rules suspended and passed.

On motion of Mr. Guinn, Mr. Selman was added to the Committee on Finance. Mr. Hartley introduced a bill to amend the 11th section of an Act to incorporate the Trinity Valley Railroad Company. Read 1st and 2nd times and referred to Committee on Internal Improvements.

Mr. Shelley introduced a bill to authorize and require the Comptroller to audit and settle the account of quartermasters appointed for the several camps of instruction organized by order of the Governor and to authorize said quartermasters to pay over moneys in their hands. Read 1st and 2nd times and referred to Committee on Military Affairs.

On motion of Mr. Shepard the bill granting 160 acres of land to the soldiers of Texas was made the special order for 7 o'clock P. M. and on motion the Senate adjourned until that hour.

7 o'clock P. M.

Senate met, roll called, quorum present. On motion Mr. Darden was excused from attendance on account of indisposition.

On motion of Mr. Durant, Mr. Shelley was added to the Committee on Military Affairs.

Upon a motion to lay on the table the report of the committee on the bill granting lands to the soldiers of Texas the yeas and nays stood thus:

YEAS—Messrs. Boyd, Burnett, Casey, Crawford of Jasper, Dickson, Durant, Graham, Houston, Moore, Obenchain, Parsons, Reed, Selman, Shelley, Weatherford, and Wheeler—16.

NAYS — Messrs. Batte, Branch, Cook, Crawford of Fannin, Erath, Finlay, Guinn, Harcourt, Hartley, Jordan Lea, Mitchell, Scarborough, and Shepard—14.

Mr. Guinn offered the following amendment: "provided that the benefit of this act shall extend to all soldiers from any state of the Confederacy who may serve in Texas in case said state is invaded."

Mr. Selman offered the following amendment to the amendment: "provided the state from which said soldier may come will donate to our soldiers the same amount of money or property we give to theirs."

Mr. Casey offered a substitute for the bill and amendments, setting apart twelve million of acres of the public domain for the benefit of the soldiers of Texas in the present war.

On motion the bill, amendments and substitute were referred to Committee on Militia and Military Affairs.

Mr. Selman moved that the Sergeant-at-Arms have leave of absence for one week by leaving a deputy to perform the services of the office. Carried.

Mr. Hartley by leave introduced a bill to create a hospital fund to be expended for the benefit of the sick and wounded soldiers in the Confederate Army from the State of Texas. Read 1st and 2nd times and referred to the Committee on Military Affairs.

On motion of Mr. Weatherford the Senate adjourned until 10 o'clock A. M. tomorrow.

Friday, November 22, 1861.

Senate met pursuant to adjournment. Prayer by the